

MONTANA LEGISLATIVE HISTORY

Chapter 182 19 99

Bill H 96 S _____

Original bill & history ☒ c

H. Committee on Nat. Res.

Hearing Date(s) 1-13 ☒ c

_____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Nat. Res.

Hearing Date(s) 3-10 ☒ c

3-17 ☒ c

_____ c

_____ c

Did this bill originate in an interim committee? ☐ Yes ☒ No

Committee _____

Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

1999 Montana Legislature

HOUSE BILL NO. 96
INTRODUCED BY L. GRINDE
BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

AN ACT ALLOWING FOR RECIPROCAL ACCESS AGREEMENTS TO BE NEGOTIATED ON ALL ISOLATED STATE LAND CLASSIFICATIONS; REPEALING SECTION 77-5-115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Management of isolated trust lands -- reciprocal access. (1) To facilitate the management of isolated tracts of all classifications of state lands, the department may negotiate reciprocal access agreements that may include easements. For an easement granted pursuant to this subsection, the board may waive all or a portion of the survey requirements of 77-2-102, subject to any conditions that the board may impose.

(2) In granting access, the department is not required to analyze or consider the potential impacts of activities that may occur on private or federal lands in conjunction with or as a result of granting access.

Section 2. Repealer. Section 77-5-115, MCA, is repealed.

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 77, chapter 1, part 6, and the provisions of Title 77, chapter 1, part 6, apply to [section 1].

Section 4. Effective date. [This act] is effective on passage and approval.

- END -

	FROM DESIGNATING A FORMERLY UNDESIGNATED LABOR ORGANIZATION AS THE EXCLUSIVE BARGAINING AGENT IN THE ABSENCE OF A PETITION FOR DESIGNATION; AMENDING SECTION 39-31-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE	599
177	(<i>House Bill No. 561; Gallus</i>) ALLOWING THE TRANSPORTATION COMMISSION TO TRANSFER APPORTIONED PRIMARY HIGHWAY SYSTEM FUNDS WITHIN AND BETWEEN FINANCIAL DISTRICTS; AND AMENDING SECTION 60-3-205, MCA	600
178	(<i>Senate Bill No. 99; Tester</i>) REQUIRING INSURERS, HEALTH SERVICE CORPORATIONS, AND HEALTH MAINTENANCE ORGANIZATIONS ISSUING GROUP DISABILITY COVERAGE TO RENEW OR CONTINUE COVERAGE FOR THE SPOUSE OR DEPENDENTS OF A PEACE OFFICER, GAME WARDEN, FIREFIGHTER, OR VOLUNTEER FIREFIGHTER WHO DIES WITHIN THE COURSE AND SCOPE OF EMPLOYMENT; AMENDING SECTIONS 33-22-101 AND 33-31-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE	601
179	(<i>Senate Bill No. 245; Waterman</i>) EXEMPTING FROM THE STATE MINIMUM WAGE AND OVERTIME LAWS AN EMPLOYEE EMPLOYED IN DOMESTIC SERVICE EMPLOYMENT TO PROVIDE LIVE-IN HOME COMPANIONSHIP SERVICES FOR INDIVIDUALS WHO, BECAUSE OF AGE OR INFIRMITY, ARE UNABLE TO CARE FOR THEMSELVES; AMENDING SECTION 39-3-406, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE	604
180	(<i>Senate Bill No. 260; Glaser</i>) REDUCING THE TAXES ON LIGHT VEHICLES AND FLEET VEHICLES; PROVIDING THAT THE TAX RATE DECREASES AS THE STATEWIDE VALUE OF LIGHT AND FLEET VEHICLES INCREASES; PROVIDING THAT THE AMOUNT OF MONEY DISTRIBUTED TO THE DISTRICT COURT FUND FROM LIGHT VEHICLE TAXES REMAIN UNCHANGED; CHANGING THE DISTRIBUTION FORMULA FOR MOTOR VEHICLE TAX COLLECTIONS; INCREASING THE PERMISSIBLE TAX RATE ALLOWED UNDER THE LOCAL OPTION VEHICLE TAX; REQUIRING A VOTE FOR IMPOSITION OF THE LOCAL OPTION VEHICLE TAX; PROVIDING FOR THE TRANSFER OF FUNDS FROM THE STATE GENERAL FUND TO THE STATE SPECIAL REVENUE ACCOUNTS FOR PURPOSES OF THE 6-MILL UNIVERSITY LEVY AND THE 9-MILL COUNTY PUBLIC ASSISTANCE LEVY; AMENDING SECTIONS 20-9-141, 61-3-504, 61-3-509, AND 61-3-537, MCA; AND PROVIDING AN APPLICABILITY DATE	607
181	(<i>Senate Bill No. 428; Stang</i>) TRANSFERRING THE MOTORCYCLE SAFETY TRAINING PROGRAM FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE BOARD OF REGENTS; AMENDING SECTIONS 20-7-501, 20-7-502, 20-7-504, 20-7-510, 20-7-511, 20-7-512, 20-7-513, 20-7-514, 61-5-110, AND 61-5-121, MCA; AND PROVIDING AN EFFECTIVE DATE	611
182	(<i>House Bill No. 96; Grinde</i>) ALLOWING FOR RECIPROCAL ACCESS AGREEMENTS TO BE NEGOTIATED ON ALL ISOLATED STATE LAND CLASSIFICATIONS; REPEALING SECTION 77-5-115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE	618
183	(<i>House Bill No. 125; Johnson</i>) RELATING TO LIBRARIES AND LIBRARY SYSTEMS; SPECIFYING INTERLIBRARY LOANS NOT ELIGIBLE FOR REIMBURSEMENT; AUTHORIZING THE STATE LIBRARY COMMISSION TO ADOPT RULES; MODIFYING THE DEFINITION OF "LIBRARY FEDERATION" AND ADDING PARTIES	

HB 95 Introduced by Story LC0153 Drafter: K. Williams

Generally Revise the Montana Water Use Laws;...

By Request of Department of Natural Resources and Conservation

12/17	Introduced		
12/21	Referred to Natural Resources		
1/04	1st Reading		
1/08	Hearing		
1/19	Committee Executive Action--Bill Passed as Amended	17	1
1/19	Committee Report--Bill Passed as Amended		
1/22	2nd Reading Passed	96	3
1/23	3rd Reading Passed	97	2

	Transmitted to Senate		
1/27	Referred to Natural Resources		
3/03	Hearing		
3/04	Committee Executive Action--Bill Concurred as Amended	8	0
3/04	Committee Report--Bill Concurred as Amended		
3/05	2nd Reading Concurred	50	0
3/06	3rd Reading Concurred	48	0

	Returned to House with Amendments		
4/09	2nd Reading Senate Amendments Concurred	97	0
4/10	3rd Reading Passed as Amended by Senate	98	1
4/10	Sent to Enrolling		
4/12	Returned from Enrolling		
4/13	Signed by Speaker		
4/14	Signed by President		
4/15	Transmitted to Governor		
4/23	Signed by Governor		
4/23	Chapter Number Assigned		
	Chapter Number 422		
	Effective Date: 4/23/1999 - All Sections		

HB 96 Introduced by Grinde LC0151 Drafter: Everts

Allocate for Reciprocal Access Agreements to Be Negotiated on All Isolated State Land Classifications;...

By Request of Department of Natural Resources and Conservation

12/18	Introduced		
12/23	Referred to Natural Resources		
1/04	1st Reading		
1/13	Hearing		
1/20	Tabled in Committee		
2/02	Committee Executive Action--Bill Passed	11	9
2/02	Committee Report--Bill Passed		
2/13	2nd Reading Passed	59	40
2/15	3rd Reading Passed	65	33

	Transmitted to Senate		
2/23	Referred to Natural Resources		
3/10	Hearing		
3/18	Committee Executive Action--Bill Concurred	10	0
3/18	Committee Report--Bill Concurred		

3/19	2nd Reading Concurred	44	0
3/20	3rd Reading Concurred	42	0

	Returned to House		
3/22	Sent to Enrolling		
3/22	Returned from Enrolling		
3/23	Signed by Speaker		
3/23	Signed by President		
3/24	Transmitted to Governor		
3/29	Signed by Governor		
3/30	Chapter Number Assigned		
	Chapter Number 182		
	Effective Date: 3/26/1999 - All Sections		

HB 97 Introduced by Harper, et al. LC0433 Drafter: Petesch

Create a Biomedical Research Endowment Fund Within the Coal Severance Tax Trust Fund;...

12/18	Introduced		
12/23	Referred to Business and Labor		
1/04	1st Reading		
1/04	Fiscal Note Requested		
1/08	Fiscal Note Received		
1/11	Fiscal Note Signed		
1/11	Fiscal Note Printed		
1/14	Hearing		
3/25	Tabled in Committee		
3/31	Missed Deadline for Revenue Bill Transmittal		

HB 98 Introduced by Simon LC0333 Drafter: Maly

Clarify When a License to Perform Plumbing Work Is Required;...

By Request of Board of Plumbers

12/18	Introduced		
12/23	Referred to Business and Labor		
1/04	1st Reading		
1/11	Hearing		
1/22	Committee Executive Action--Bill Passed as Amended	12	6
1/23	Committee Report--Bill Passed as Amended		
1/27	2nd Reading Passed	62	38
1/28	3rd Reading Passed	66	34

	Transmitted to Senate		
1/29	Referred to Labor and Employment Relations		
3/02	Hearing		
3/10	Committee Executive Action--Bill Concurred as Amended	8	1
3/10	Committee Report--Bill Concurred as Amended		
3/13	2nd Reading Concurred	36	11
3/15	3rd Reading Concurred	36	13

	Returned to House with Amendments		
4/10	2nd Reading Senate Amendments Concurred	88	10
4/12	3rd Reading Passed as Amended by Senate	69	30
4/12	Sent to Enrolling		
4/14	Returned from Enrolling		

INDEX TO BILLS IN COMMITTEE

June 30, 1999

- Committee: (H) Natural Resources -

04:03 PM

-
- HB 95** **SPONSOR:** Story, Bob **SHORT TITLE:** Generally revise the Montana water use laws
 BY REQUEST OF: Department Of Natural Resources And Conservation
 REFERRED ON: 12/21/1998 **HEARD ON:** 01/08/1999
 EXECUTIVE ACTION: 01/19/1999 Bill Passed as Amended -- VOTE: 17 - 1
 FINAL DISPOSITION 04/23/1999 Chapter Number Assigned
-
- HB 96** **SPONSOR:** Grinde, Larry **SHORT TITLE:** Reciprocal access to isolated trust lands
 BY REQUEST OF: Department Of Natural Resources And Conservation
 REFERRED ON: 12/23/1998 **HEARD ON:** 01/13/1999
 EXECUTIVE ACTION: 02/02/1999 Bill Passed -- VOTE: 11 - 9
 TABLED ON: 01/20/1999
 FINAL DISPOSITION 03/30/1999 Chapter Number Assigned
-
- HB 102** **SPONSOR:** Fisher, Stan **SHORT TITLE:** Provide for public sale of surplus state land
 REFERRED ON: 12/23/1998 **HEARD ON:** 01/27/1999
 TABLED ON: 02/05/1999
 FINAL DISPOSITION 03/01/1999 (H) Missed Deadline for General Bill Transmittal
-
- HB 113** **SPONSOR:** Younkin, Cindy **SHORT TITLE:** Revise hazardous waste act
 BY REQUEST OF: Department Of Environmental Quality
 REFERRED ON: 12/23/1998 **HEARD ON:** 01/15/1999
 EXECUTIVE ACTION: 01/25/1999 Bill Passed as Amended -- VOTE: 20 - 0
 FINAL DISPOSITION 04/23/1999 Chapter Number Assigned
-
- HB 120** **SPONSOR:** Brown, Roy **SHORT TITLE:** Revise reclamation & development grant fund use
 BY REQUEST OF: Department Of Natural Resources And Conservation
 REFERRED ON: 01/04/1999 **HEARD ON:** 01/11/1999
 EXECUTIVE ACTION: 01/22/1999 Bill Passed as Amended -- VOTE: 11 - 8
 FINAL DISPOSITION 03/16/1999 Chapter Number Assigned
-
- HB 124** **SPONSOR:** Haines, Dick **SHORT TITLE:** Revise fire suppression liability
 BY REQUEST OF: Department Of Natural Resources And Conservation
 REFERRED ON: 01/04/1999 **HEARD ON:** 01/18/1999
 EXECUTIVE ACTION: 01/28/1999 Bill Passed as Amended -- VOTE: 20 - 0
 FINAL DISPOSITION 03/26/1999 (H) Missed Deadline for Appropriation Bill Transmitt
-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Rep. Bill Tash, on January 13, 1999 at 3:00 P.M., in Room 437 Capitol.

ROLL CALL

Members Present:

Rep. Bill Tash, Chairman (R)
Rep. Cindy Younkin, Vice Chairman (R)
Rep. Hal Harper, Vice Chairman (D)
Rep. Rod Bitney (R)
Rep. Aubyn A. Curtiss (R)
Rep. Rick Dale (R)
Rep. Bill Eggers (D)
Rep. Ron Erickson (D)
Rep. David Ewer (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Dan McGee (R)
Rep. Karl Ohs (R)
Rep. Scott J. Orr (R)
Rep. Bob Raney (D)
Rep. Bob Story (R)
Rep. Jay Stovall (R)
Rep. Doug Wagner (R)

Members Excused: Rep. Carley Tuss (D)

Members Absent: Rep. Scott J Orr (R)

Staff Present: Kathleen Williams, Legislative Branch
Kimberly Walkenhorst, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB205, HB96, HB58, 1/13/1999

HEARING ON HB96

Opening Statement by Sponsor: Rep. Larry Grinde EXHIBIT(1).
{Tape : 1; Side : A; Approx. Time Counter : 0.8 - 2.9}

Proponents' Testimony:

Bud Clinch, Director Of Department of Natural Resources and Conservation (DNRC).

{Tape : 1; Side : A; Approx. Time Counter : 3.1 - 5.7}

Clive Rooney, DNRC

{Tape : 1; Side : A; Approx. Time Counter : 8.6}

Opponents: None

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 6.1}

Closing by Sponsor: Rep. Larry Grinde

{Tape : 1; Side : B; Approx. Time Counter : 2.9 - 4.9}

HEARING ON HB58

Opening Statement by Sponsor: Rep. Cindy Younkin

{Tape : 1; Side : B; Approx. Time Counter : 5.1}

Proponents' Testimony:

Mark Simonich, Department of Environmental Equality
(DEQ) EXHIBIT(2)

{Tape : 1; Side : B; Approx. Time Counter : 7.7}

Ronna Alexander, Montana Petroleum

{Tape : 1; Side : B; Approx. Time Counter : 19.2}

Opponents: None

Informational Testimony:

Jim Hill, DEQ

{Tape : 2; Side : A; Approx. Time Counter : 10.0}

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 22.2- Tape 2, Side B
3.6}

INDEX TO BILLS IN COMMITTEE

June 30, 1999

- Committee: (S) Natural Resources -

05:02 PM

-
- HB 29** **SPONSOR:** Ohs, Karl **SHORT TITLE:** Increase renewable resources bonding authority
 BY REQUEST OF: Department Of Natural Resources And Conservation
 REFERRED ON: 01/27/1999 **HEARD ON:** 02/05/1999
 EXECUTIVE ACTION: 02/08/1999 Bill Concurred -- VOTE: 10 - 0
 FINAL DISPOSITION 02/18/1999 Chapter Number Assigned
-
- HB 35** **SPONSOR:** Ahner, Chris **SHORT TITLE:** Make resource development account deduction permanent
 BY REQUEST OF: Department Of Natural Resources And Conservation
 REFERRED ON: 02/01/1999 **HEARD ON:** 02/05/1999
 EXECUTIVE ACTION: 02/08/1999 Bill Concurred -- VOTE: 10 - 0
 FINAL DISPOSITION 02/18/1999 Chapter Number Assigned
-
- HB 58** **SPONSOR:** Younkin, Cindy **SHORT TITLE:** Modify petroleum tank release clean up fund
 BY REQUEST OF: Petroleum Tank Release Compensation Board
 REFERRED ON: 01/27/1999 **HEARD ON:** 03/08/1999
 EXECUTIVE ACTION: 03/11/1999 Bill Concurred as Amended -- VOTE: 10 - 1
 FINAL DISPOSITION 04/23/1999 Chapter Number Assigned
-
- HB 74** **SPONSOR:** Mood, Douglas **SHORT TITLE:** Generally revise fiscal aspects of drinking water/wastewater revolving funds
 BY REQUEST OF: Department Of Natural Resources And Conservation
 REFERRED ON: 02/23/1999 **HEARD ON:** 03/10/1999
 EXECUTIVE ACTION: 03/27/1999 Bill Concurred as Amended -- VOTE: 11 - 0
 FINAL DISPOSITION 04/23/1999 Chapter Number Assigned
-
- HB 95** **SPONSOR:** Story, Bob **SHORT TITLE:** Generally revise the Montana water use laws
 BY REQUEST OF: Department Of Natural Resources And Conservation
 REFERRED ON: 01/27/1999 **HEARD ON:** 03/03/1999
 EXECUTIVE ACTION: 03/04/1999 Bill Concurred as Amended -- VOTE: 8 - 0
 FINAL DISPOSITION 04/23/1999 Chapter Number Assigned
-
- HB 96** **SPONSOR:** Grinde, Larry **SHORT TITLE:** Reciprocal access to isolated trust lands
 BY REQUEST OF: Department Of Natural Resources And Conservation
 REFERRED ON: 02/23/1999 **HEARD ON:** 03/10/1999
 EXECUTIVE ACTION: 03/18/1999 Bill Concurred -- VOTE: 10 - 0
 FINAL DISPOSITION 03/30/1999 Chapter Number Assigned
-

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN WILLIAM CRISMORE**, on March 10, 1999
at 3:20 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. William Crismore, Chairman (R)
Sen. Dale Mahlum, Vice Chairman (R)
Sen. Vicki Cocchiarella (D)
Sen. Mack Cole (R)
Sen. Lorents Grosfield (R)
Sen. Tom Keating (R)
Sen. Bea McCarthy (D)
Sen. Ken Miller (R)
Sen. Glenn Roush (D)
Sen. Mike Taylor (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Larry Mitchell, Legislative Branch
Jyl Scheel, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 96, 3/10/1999; HB 74,
3/10/1999; HJ 8, 3/10/1999; HJ
11, 3/10/1999; HJ 17,
3/10/1999
Executive Action: HB 331; HB 58; HB 142

HEARING ON HB 96

Sponsor: REPRESENTATIVE LARRY GRINDE, HD 94, LEWISTOWN

Proponents:

Bud Clinch, Director, Department of Natural Resources and Conservation

Opponents: None.

Opening Statement by Sponsor:

REPRESENTATIVE LARRY GRINDE, HD 94, LEWISTOWN, stated **HB 96** deals with reciprocal access agreements to be negotiated on isolated state land classifications. In 1995 a similar bill was passed that had to do with classified forest lands and this now deals with all classifications of land. The bill is completely voluntary, negotiation is done between DNRC and the landowner, it is quicker and cheaper and most importantly the State Land Board has the ultimate say.

Proponents' Testimony:

Bud Clinch, Director, Department of Natural Resources and Conservation, stated this bill replicates a bill in the 1995 session which has worked extremely well. The purpose behind the bill is that it removes the necessity of exchanging money when easements are requested by the state when purchasing them from the landowner or when the present landowner requests an easement across state land. From the Department's standpoint, it provides a point of leverage to be able to quantify and secure easements in a reciprocal manner that they might not have been able to do otherwise. It is voluntary and a management tool that is beneficial to both parties.

Opponents' Testimony: None.

Questions from Committee Members and Responses:

SENATOR COCCHIARELLA questioned what was repealed in 77-5-115? **Mr. Clinch** stated they are repealing the previous section that outlined the program just for classified forest lands and replacing it with this where it references all classifications of state lands.

Closing by Sponsor:

REPRESENTATIVE LARRY GRINDE, HD 94, LEWISTOWN, stated he felt this was good legislation. It helps the private landowner negotiate reciprocal agreements with the agency and the reason he carried the bill.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 4.4; Comments :
None.}

HEARING ON HB 74

Sponsor: REPRESENTATIVE DOUG MOOD, HD 58, SEELEY LAKE

Proponents:

Anna Miller, Department of Natural Resources and Conservation
Tom Livers, Department of Environmental Quality
Alec Hansen, Montana League of Cities and Towns
Lucy Gallus, Montana Rural Water Systems, Inc.

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE DOUG MOOD, HD 58, SEELEY LAKE, stated HB 74 deals with the state revolving loan fund program that was first authorized in Montana in 1991. At that time it was set up for wastewater projects only. In the last session legislation was carried to expand the program to include drinking water projects as well as wastewater projects. To date, approximately \$70 million dollars in loans and proposals have been given out by the Department. He handed out a list of communities that have participated as per EXHIBIT(1) as well as letters supporting the program from various cities as per EXHIBIT(2). This bill makes some minor, but very important changes, to existing statute. It allows the Department, under certain circumstances, to transfer funds back and forth between the wastewater and drinking water programs as needs changes. It also increases the bonding authority of the Department from \$10 million to \$20 million. These are general obligation bonds which provide the state with funds they need to match the federal grants available.

Proponents' Testimony:

Anna Miller, Department of Natural Resources and Conservation, stated they administer this program along with the Department of Environmental Quality. The Department of Natural Resources and Conservation makes the loans to the communities and DEQ does the technical review of the projects. It provides an excellent low financing cost tool to communities to be able to rehabilitate and put in new water systems. This bill helps the Department through allowing them to move money between the wastewater and drinking water programs in the event money is being used in one program and not the other. It increases their bonding authority and they

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN WILLIAM CRISMORE**, on March 17, 1999
at 3:10 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. William Crismore, Chairman (R)
Sen. Dale Mahlum, Vice Chairman (R)
Sen. Vicki Cocchiarella (D)
Sen. Mack Cole (R)
Sen. Lorents Grosfield (R)
Sen. Tom Keating (R)
Sen. Bea McCarthy (D)
Sen. Ken Miller (R)
Sen. Glenn Roush (D)
Sen. Mike Taylor (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Larry Mitchell, Legislative Branch
Jyl Scheel, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 539, 3/17/1999; HB 596,
3/17/1999; HB 617, 3/17/1999
Executive Action: HJ 11; HJ 8; HJ 17; HB 429;
HB 96; HB 346; HB 485; HB 539

HEARING ON HB 539

Sponsor: REPRESENTATIVE PAUL SLITER, HD 76, SOMERS

SENATOR GROSFIELD stated he would ask that the amendments be segregated.

SENATOR KEATING suggested the committee hold off on voting right now.

SEN. TAYLOR WITHDREW PREVIOUS MOTION THAT HB 340 BE CONCURRED IN. Action will be taken on the bill Monday, March 22.

EXECUTIVE ACTION ON HB 96

Discussion:

SENATOR TAYLOR referred to line 17 and questioned if the Department could grant an easement across private property in the scenario he presented?

SENATOR KEATING said the Department does not have any authority to grant an easement on private property. In the bill they are talking about access on isolated trust lands and access across the state land.

SENATOR TAYLOR stated they are not talking about access "to" the state land?

SENATOR CRISMORE said two years ago there was a bill for access on forest lands and now they want to expand it to other state lands. Granting access to the Department is not requiring to analyze or consider the potential impact of the activity that may occur on private or federal land.

SENATOR TAYLOR said this is just for access and not for any development? Just a road across state land?

SENATOR KEATING stated this is just talking about reciprocal access. If you let me go across your land to get to my timber, I will let you go across my land to get to your timber.

SENATOR TAYLOR asked if there was any concern for the private property? **SENATOR CRISMORE** stated some wanted to do an analysis of the impact it might have after they crossed and went to somebody elses.

Mr. Mitchell stated this language is identical to subsection 2 of 77-5-115 which is repealed in Section 2. They are moving the language from one chapter to another. His guesstimate is this is a quasi, not required to comply with, **MEPA** requirement.

Motion: SEN. COLE moved that HB 96 BE CONCURRED IN.

Vote: Motion that HB 96 BE CONCURRED IN carried 10-0. SENATOR KEATING will carry the bill to the Senate Floor.

{Tape : 1; Side : B; Approx. Time Counter : 22 - 38; Comments : None.}

EXECUTIVE ACTION ON HB 346

Motion/Vote: SEN. MILLER moved that HB 346 BE TABLED. Motion carried 9-1 with Grosfield voting no.

EXECUTIVE ACTION ON HB 485

Motion/Vote: SEN. KEATING moved that HB 485 BE CONCURRED IN. Motion carried 10-0. SENATOR CRISMORE will carry the bill to the Senate Floor.

EXECUTIVE ACTION ON HB 539

Motion/Vote: SEN. MAHLUM moved that HB 539 BE CONCURRED IN. Motion carried 9-1 with Miller voting no. SENATOR TAYLOR will carry the bill to the Senate Floor.

{Tape : 2; Side : A; Approx. Time Counter : 0 - 3.7; Comments : None.}